

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6778

BILL NUMBER: SB 204

NOTE PREPARED: Dec 17, 2002

BILL AMENDED:

SUBJECT: Life Imprisonment for Repeat Sex Offenders.

FIRST AUTHOR: Sen. Zakas

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill authorizes the state to seek a sentence of life imprisonment without parole for an offender who commits a Class A or Class B felony constituting a sex offense against a child and who has a prior Class A or Class B felony conviction of a sex offense against a child.

Effective Date: July 1, 2003.

Explanation of State Expenditures: There are no data available to indicate how many offenders who have prior Class A or Class B felony convictions for a sex offense against a child will commit another Class A or Class B sex offense against a child resulting in life imprisonment without parole under the bill. Between FY 1997 and 2001, there were on average 36 offenders a year committed to Department of Correction (DOC) facilities for the Class B felony offense and no offenders for the Class A felony. Costs for incarceration would increase as sentence lengths increase and when prisoners convicted under the bill would not be able to earn credit time.

Depending upon mitigating and aggravating circumstances, a Class A felony is punishable by a prison term ranging from 20 to 50 years, and a Class B felony is punishable by a prison term ranging from 6 to 20 years. The average length of stay in DOC facilities for all Class A felony offenders is approximately 9.1 years and 3.7 years for all Class B felony offenders. If, for example, one assumes that the average life sentence without parole is equal to 25 years in prison, and that the offenders otherwise would have served the average length of stay, then offenders convicted of a Class A felony offense would serve an additional 15.9 years and those convicted of a Class B felony offense would serve an additional 21.3 years.

The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures

ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A felony or a Class B felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

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